

In the Matter Of:

IN RE ARTURO BECERRA

ARTURO BECERRA

September 23, 2016

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09/23/2016

**BECERRA ARTURO
IN RE ARTURO BECERRA**

1 STATE OF ILLINOIS

SS:

2 COUNTY OF C O O K

3
4 IN RE:

5 INTERVIEW OF ARTURO BECERRA

6

7 The INTERVIEW of ARTURO BECERRA, taken at
8 300 West Adams Street, Chicago, Illinois, on
9 September 23, 2016, at 11:00 a.m.

10

11

PRESENT:

12

13 OFFICE OF THE INSPECTOR GENERAL,
14 CITY OF CHICAGO,
15 (740 North Sedgwick Street, Suite 200
16 Chicago, Illinois 60654), by
17 MS. SARAH ANSARI and
18 MR. MATTHEW JACOB

16

17 LAW OFFICES OF WILLIAM N. FAHY, LTD.
18 (206 South Jefferson Street
19 Chicago, Illinois 60661), by
20 MR. WILLIAM N. FAHY

19

20 REPORTED BY: CHERYL L. SANDECKI, CSR, RPR
21 LICENSE NO.: 084-03710
22 JOB NO.: 103552

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1 MS. ANSARI: As a preliminary matter, I am
2 providing the following information. An
3 independent certified court reporter is present
4 today to provide a verbatim transcript of this
5 interview. To aid in the accuracy of the
6 transcript, it is the custom and practice of
7 court reporters to audio record the interview.
8 The recording is the confidential work product
9 property of the court reporter and will not be
10 provided to any party, including the OIG. If
11 you request, the audio recording will be
12 discontinued.

13 So, Officer Becerra, are you okay with
14 the court reporter audio recording the
15 interview?

16 OFFICER BECERRA: Yes.

17 MR. FAHY: No objection.

18 MS. ANSARI: Let the record reflect that
19 today's date is September 23rd, 2016. The time
20 is 11:50 a.m.

21 We are located at Amicus Court
22 Reporters, 300 West Adams, Suite 300.

23 My name is Sarah Ansari. The court
24 reporter is Cheryl Sandeck. And I would ask

1 that the other individuals present identify
2 themselves and spell their name for the record.

3 MR. JACOB: Matthew Jacob, J-A-C-O-B,
4 investigator with the office of the Inspector
5 General of the City of Chicago.

6 MR. FAHY: My name is Will Fahy. My first
7 name is W-I-L-L; last name, F-A-H-Y.

8 OFFICER BECERRA: My name is Arturo Becerra.
9 Last name is spelled B, as in boy, E-C-E-R-R-A.

10 MS. ANSARI: There are no other individuals
11 present.

12 We are here today pursuant to an
13 investigation being conducted under Chapter 2-56
14 of the Municipal Code of the City of Chicago.
15 We are here for an interview of Officer Arturo
16 Becerra.

17 Officer, would you please raise your
18 right hand and the court reporter will swear you
19 in.

20 MR. FAHY: I have instructed my client not to
21 be sworn in. This is an administrative
22 statement, so there is no need for him to be
23 sworn in.

24 MS. ANSARI: Okay.

1 | EXAMINATION

2 | BY MS. ANSARI:

3 Q. Officer, I'm now going to hand you a
4 form that is marked Advisement of Rights. This
5 has already been filled in with your name, my
6 name and Investigator Jacob's name.

7 I'm going to ask you to read along with
8 me, as I go through it, and I will ask you after
9 each paragraph to acknowledge you have read and
10 understood the paragraph.

11 "I understand that this interview is
12 part of an official investigation and that I
13 have a duty to cooperate with the Office of
14 Inspector General, which includes answering all
15 questions completely and truthfully."

16	Do you understand?
----	--------------------

17	A. Yes.
----	---------

18 Q. "I understand that I have no right to
19 remain silent. I understand that I have an
20 obligation to answer questions put to me
21 truthfully. I understand that if I refuse to
22 answer questions put to me, I will be ordered by
23 a superior officer to answer the questions. I
24 further understand and I have been advised that

1 if I persist in my refusal to answer after an
2 order to do so, such further refusal constitutes
3 a violation of the rules and regulations of the
4 Chicago Police Department and may serve as the
5 basis for my discharge."

6 Do you understand?

7 A. Yes.

8 Q. "I understand that I have been advised
9 that my statements or responses may constitute
10 an official police report. I understand that
11 Rule 14 of the Chicago Police Department's Rules
12 and Regulations prohibits making a false report,
13 written or oral. And I further understand that
14 making such a false report, whether written or
15 oral, may result in my separation from the
16 Chicago Police Department."

17 Do you understand?

18 A. Yes.

19 Q. "I understand that any statement made
20 by me during this interview may be used as
21 evidence of misconduct or as the basis for
22 disciplinary action up to and including removal
23 or discharge."

24 Do you understand?

1 A. Yes.

2 Q. "I understand that any statement made
3 by me during this interview and the fruits
4 thereof cannot be used against me in a criminal
5 proceeding."

6 Do you understand?

7 A. Yes.

8 Q. "I understand that I have the right to
9 have a union representative or legal counsel of
10 my choosing present at the interview to consult
11 with and that I will be given a reasonable time
12 to obtain a union representative or legal
13 counsel as long as the interview is not unduly
14 delayed."

15 Do you understand?

16 A. Yes.

17 Q. "I understand the refusal to answer any
18 question or any false, inaccurate, or
19 deliberately incomplete statement by me would
20 constitute a violation of Chicago Municipal
21 Ordinance 2-56 and may serve as the basis for my
22 discharge."

23 Do you understand?

24 A. Yes.

1 Q. "I acknowledge that the statement of my
2 administrative rights has been read aloud to me
3 and I have been allowed to review this
4 document."

5 A. Yes.

6 Q. So we will ask that you please sign
7 this document, Officer Becerra.

8 And do you go by "Arthur" or "Art"?

9 A. "Art."

10 Q. Art. Do you prefer Art or should I
11 call you --

12 A. Art is fine.

13 MR. FAHY: Before we proceed anything
14 further, there is something my client would like
15 to say for the record.

16 OFFICER BECERRA: This statement is not being
17 given voluntarily but under duress. I'm only
18 giving this statement because I know I will be
19 fired if I refuse.

20 MS. ANSARI: Okay. And for the record, I am
21 going to witness the Advisement of Rights and so
22 will Investigator Jacob. And we will mark that
23 as Exhibit 1.

24

1 (Whereupon, Becerra Deposition
2 Exhibit 1 was marked for
3 identification.)

4 BY MS. ANSARI:

5 Q. Before we kind of get into the
6 questioning, I'm going to mark a bunch of
7 service documents as an exhibit. So these are
8 the things that were provided to you when you
9 were served with the allegations.

10 So we will mark as Exhibit 2 a
11 Notification of Interview dated September 14th,
12 2016.

13 Officer Becerra, did you receive this
14 on September 14th, 2016?

15 A. Yes.

16 Q. Okay.

17 (Whereupon, Becerra Deposition
18 Exhibit 2 was marked for
19 identification.)

20 BY MS. ANSARI:

21 Q. I'm marking as Exhibit 3 a Notification
22 of Allegations dated September 14, 2016.

23 Officer Becerra, did you receive this
24 document --

1 A. Yes.

2 Q. -- on September 14th?

3 A. Yes.

4 (Whereupon, Becerra Deposition
5 Exhibit 3 was marked for
6 identification.)

7 BY MS. ANSARI:

8 Q. I'm marking as Exhibit 4 a document
9 entitled Receipt Form dated September 14, 2016.
10 Did you receive this form on
11 September 14th?

12 A. Yes.

13 (Whereupon, Becerra Deposition
14 Exhibit 4 was marked for
15 identification.)

16 BY MS. ANSARI:

17 Q. I'm marking as Exhibit 5 an excerpt of
18 a CPD Case Supplementary Report dated March 16,
19 2015, with RD Number HX475653 containing Officer
20 Becerra's statement to Detective March.

21 Did you receive this on September 14th?

22 A. Yes.

23

24

1 (Whereupon, Becerra Deposition
2 Exhibit 5 was marked for
3 identification.)

4 BY MS. ANSARI:

5 Q. I'm marking as Exhibit 6 a general
6 progress report dated October 20th, 2014, with
7 an RD Number HX475653 containing Detective
8 March's notes of his interview of Officer
9 Becerra.

10 Did you receive this on September 14th?

11 A. Yes.

12 (Whereupon, Becerra Deposition
13 Exhibit 6 was marked for
14 identification.)

15 BY MS. ANSARI:

16 Q. In order to prepare for today's
17 interview, did you review the materials we
18 provided?

19 A. Yes.

20 Q. Those materials also included video
21 from the in-car video systems of vehicles 813R
22 and 845R; is that correct?

23 A. Yes.

24 Q. Were you able to view those videos?

1 A. Yes.

2 Q. And did you view video from the Dunkin'
3 Donuts' security camera that was provided to
4 you?

5 A. Yes.

6 Q. Since receiving your Notice of
7 Interview, did you review any materials other
8 than the materials we've provided you?

9 A. No.

10 Q. Aside from your attorney, who did you
11 speak to in preparation for this interview?

12 A. Nobody.

13 MS. ANSARI: And, Counsel, before we begin,
14 is it permissible to provide the transcript
15 within 72 hours of our receipt of it or will you
16 request --

17 MR. FAHY: That's fine.

18 MS. ANSARI: Okay. Thank you.

19 BY MS. ANSARI:

20 Q. Officer Becerra, what is your Star
21 Number and your -- what is your Star Number?

22 A. 15790.

23 Q. Okay. And your current unit of
24 assignment?

1 A. Chicago Police District 8.

2 Q. Okay. What watch are you on?

3 A. Third watch.

4 Q. Third watch. Was that your assignment
5 on the night of October 20th, 2014?

6 A. Yes.

7 Q. What are the hours for third watch?

8 A. 1530 to 0030.

9 Q. Okay. What was your chain of command
10 as of October 20th, 2014? So your sergeant,
11 lieutenant? Who did you report to?

12 A. Sergeant.

13 Q. And what was his name or her name?

14 A. I don't recall.

15 Q. Okay. What about who was your
16 lieutenant?

17 A. I don't -- I don't remember.

18 Q. Okay. Who are your sergeant and
19 lieutenant currently?

20 A. Sergeant Huffman currently and
21 Lieutenant Moravec.

22 Q. What was your personal cell phone
23 number as of October 20th, 2014?

24 A. 312- [REDACTED]

1 Q. Did you ever use your personal cell
2 phone for CPD business?

3 A. Yes.

4 Q. Do you have a Department issued cell
5 phone?

6 A. No.

7 Q. Okay. So you were -- so we will go to
8 the night of October 20th and we will kind of
9 talk about it in two parts, like what happened
10 at the scene and then anything that happened at
11 Area Central.

12 So we will start -- really my questions
13 are going to be focused on what was actually
14 going on at the scene.

15 A. Okay.

16 Q. So you were present when Laquan
17 McDonald was shot on October 20th, 2014,
18 correct?

19 A. Yes.

20 Q. Okay. At the time of the issuing, you
21 were in -- you were -- it was beat 822R,
22 correct? You were part of beat 822R?

23 A. 822.

24 Q. Okay. So R is for the first watch?

1 A. For midnights.

2 Q. So it was just 822.

3 And you were driving your vehicle at
4 the time of the shooting, correct?

5 A. Yes.

6 Q. Okay. Leticia Velez was -- Officer
7 Leticia Velez was in the passenger seat?

8 A. Yes.

9 Q. And she was your partner that evening,
10 correct?

11 A. Yes.

12 Q. Okay. Was she a regular partner?

13 A. Yes.

14 Q. Okay. How long -- how long have you --
15 had you guys been partners?

16 A. I don't really -- probably, if I would
17 have to guess, two years, one to two years.

18 Q. Is she currently your partner?

19 A. No.

20 Q. When did she stop being your partner?

21 A. Maybe six to eight months ago.

22 Q. Okay. Outside of work, did you ever
23 socialize with Officer Velez?

24 A. Yes.

1 Q. So are you guys friends?

2 A. Yes.

3 Q. Do your families hang out?

4 A. Not -- I mean, we are friends.

5 Q. Okay.

6 A. Yeah.

7 Q. Okay. So I guess I kind of want to
8 start from the beginning that night when you
9 start with -- kind of tell us when you first
10 heard something was going on and what happened
11 all the way up to the shooting, if you can give
12 us a narrative.

13 A. Okay. We were sitting in the vehicle,
14 in our vehicle for lunch at approximately 53rd
15 and Pulaski -- I'm sorry 53rd and St. Louis,
16 53rd and St. Louis.

17 We heard over the radio an officer
18 screaming for a taser.

19 Q. What time was that?

20 A. I don't remember.

21 Q. Approximately what time would your
22 lunch normally be?

23 A. Oh, I would probably have to say
24 probably late at like 10 o'clock, 10:00 p.m.

1 around.

2 Q. Okay.

3 A. Maybe early by 11:00, somewhere around
4 there.

5 Q. Okay.

6 A. I decided to go and assist the officer.
7 I just started driving to that direction. I
8 heard 41st and Pulaski as the location. Just
9 going lights and sirens down Pulaski northbound.
10 And I could see the other officers in the
11 distance. What I mean by that, I could see the
12 blue lights, that there were other officers on
13 scene.

14 So I was driving northbound. As I got
15 closer, I started to see an individual in the
16 middle of the street. I didn't know who it was.
17 As we were driving closer, then I sort of
18 realized that this might be our offender that
19 was -- that was being called upon. He was
20 approaching my vehicle.

21 I saw a knife in his hand. I was
22 shocked. It was -- that he was actually walking
23 towards us. I didn't feel -- I didn't feel -- I
24 didn't feel safe and comfortable with the

1 distance and I noticed he started walking away
2 from us. And then I proceeded to drive past him
3 to make a U-turn. As I was making the U-turn, I
4 heard shots being fired.

5 And then I exited the vehicle. I saw
6 the officer shooting the -- the subject. The
7 shooting stopped. I felt like the situation was
8 under control. Felt better.

9 And then I went back to find my partner
10 and make sure she was okay. And that's pretty
11 much it.

12 Q. Okay. So let's kind of go through
13 that.

14 So you first heard of something going
15 on. You said you heard an officer over the
16 radio, you said, screaming for a taser, correct?

17 A. Yes.

18 Q. Did you guys have a taser on you?

19 A. No.

20 Q. Did you hear other officers responding
21 over the radio?

22 A. Yes.

23 Q. You said you started driving northbound
24 on Pulaski. As you got closer, you saw the

1 individual, which you now know as Laquan
2 McDonald, in the middle of the street.

3 A. Yes.

4 Q. Was he walking or running? How did he
5 look? Kind of describe him.

6 A. I would say walking with a -- with sort
7 of like a skip.

8 Q. Okay. And he was approaching your
9 vehicle you said?

10 A. It felt that way, yes.

11 Q. Okay. You said you were shocked he was
12 walking towards you and what do you mean by
13 that? Or why were you shocked?

14 A. I was coming for an assist, and I just
15 didn't realize that this subject could be
16 walking in front of me.

17 Q. Okay. So you weren't expecting someone
18 to be kind of like that close to you,
19 essentially, is what you are saying?

20 A. Correct, correct.

21 Q. You said at one point McDonald started
22 to walk away from your vehicle?

23 A. Yeah, I initially thought that he was
24 going to come to my vehicle maybe reach towards

1 my door. But he wasn't looking in my direction,
2 so I know I wanted -- I didn't feel comfortable
3 and safe with the distance. So I wanted to move
4 the car out of the way and kind of make a U-turn
5 and kind of get -- get a better distance.

6 Q. Okay. And so for the U-turn, when you
7 drove past him to make the U-turn, kind of what
8 did you see once -- you said that you saw -- you
9 heard shots being fired.

10 Did you actually see the first shot
11 being fired or were you still kind of making the
12 U-turn? I guess I'm trying to get the timing.

13 A. Right. No, I never saw those shots. I
14 was in the middle of the turn making the U-turn
15 when I heard the shots.

16 Q. Okay. The first shot?

17 A. The first initial sound of the -- of
18 the weapon, yes.

19 Q. Okay. And then you stopped your car
20 and you said you exited the vehicle?

21 A. That's correct.

22 Q. Okay. And then you saw more shots
23 being fired?

24 A. That's correct.

1 Q. So when you exited your vehicle,
2 McDonald was already on the ground, correct?

3 A. Correct.

4 Q. Okay. I know we know now the number of
5 shots. But at the time, what was your
6 perception of how many shots were being fired or
7 how many shots had been fired?

8 A. I heard multiple shots.

9 Q. Okay. And what was your reaction to
10 the multiple shots?

11 A. I was shocked, you know. It's not
12 every day you hear gun shots that close.

13 Q. Did Officer Velez also get out of the
14 car?

15 A. I believe so. I never -- I didn't -- I
16 didn't see -- I was walking towards the scene,
17 so I didn't necessarily know what my partner was
18 doing.

19 Q. Okay. And you -- why did you decide to
20 immediately get out of the car once you
21 immediately made the U-turn?

22 A. I wanted to assist the officer.

23 Q. Okay.

24 MS. ANSARI: Matt, do you have any questions

1 about the actual shooting or can we go to what
2 happened after?

3 MR. JACOB: Do you recall who it was that
4 called over the radio for the taser?

5 OFFICER BECERRA: No, I don't know.

6 MR. JACOB: That's really all I had.

7 MS. ANSARI: Okay.

8 BY MS. ANSARI:

9 Q. So you said -- so right after the
10 shooting, can you walk us through what happened
11 on the scene?

12 A. From what point?

13 Q. From McDonald -- the shots being done
14 all the way up until you left for Area Central.

15 A. Okay. I went back to check up on my
16 partner, make sure she was okay. It was a
17 traumatic event.

18 And then I believe we got back into the
19 vehicle and we had to move the vehicle to make
20 way for other officers, the sergeant and then --
21 just to -- to remove ourselves from the
22 immediate area.

23 Q. Right.

24 A. We parked, sort of, at the perimeter,

1 probably about -- facing northbound on the east
2 side of the street. And we, basically, stood
3 there and were waiting for the direction from
4 our supervisors.

5 Q. Okay. So I will interrupt you there
6 and we can kind of go through.

7 A. Okay.

8 Q. So you went back to check on your
9 partner, she -- did you guys talk about what you
10 had just seen kind of initially?

11 A. I think initially we were both shocked.
12 We didn't really discuss anything as -- we were
13 just like "Are you okay?" And she asked me --
14 "Yes." She asked me if I was okay. I said,
15 "Yes."

16 Q. And had you ever -- have you ever
17 witnessed a shooting before this incident?

18 A. No.

19 Q. Okay. And had your partner that you
20 know of?

21 A. Not that I know of.

22 Q. Not just a police-involved shooting,
23 but you had never witnessed any shooting on the
24 job?

1 A. No.

2 Q. Okay. So can you walk us through the
3 people -- besides your partner, you told us
4 her -- but the people you kind of talked to at
5 the scene of the shooting that you can recall.

6 So we can start with did you speak with
7 Officer VanDyke?

8 A. No.

9 Q. No. Why not?

10 A. Just wasn't the -- I didn't think about
11 talking to him.

12 Q. Okay. Did you speak with his partner,
13 Officer Walsh?

14 A. No.

15 Q. Did you know them before this?

16 A. VanDyke, no. I think his name is
17 Walsh, Joe Walsh.

18 Q. Joseph Walsh.

19 A. I might have seen him in passing in the
20 hallways, in the police district.

21 Q. But these aren't people that you really
22 even socialized with at work?

23 A. No.

24 Q. What about the other officers at the

1 scene, did you speak with -- who witnessed the
2 shooting. Did you speak with Officer Daphne
3 Sebastian?

4 A. No.

5 Q. Do you know her?

6 A. I know of her.

7 Q. Okay. But same thing, not --

8 A. No. Right.

9 Q. Okay. And what about Officer Janet
10 Mondragon?

11 A. I know of her.

12 Q. And you didn't talk to her at the
13 scene?

14 A. No.

15 Q. Officer Joseph McElligott, did you talk
16 to him at the scene?

17 A. No.

18 Q. And do you know him that well?

19 A. No, not that well. I know of him too.

20 Q. Okay. And last --

21 A. I got to remind you, it's midnight
22 officers and afternoon officers, it's kind of
23 hard. It's two different shifts, two different
24 times.

1 Q. Right. Understood. It's just for the
2 record, I have to go through and ask them.

3 A. Okay.

4 Q. And did you -- you said you didn't
5 speak with Officer McElligott or Officer Daphne,
6 correct, that night?

7 A. Correct.

8 Q. What about Officers Dora Fontaine and
9 Ricardo Viramontes?

10 A. Same.

11 Q. You didn't speak with them that night?

12 A. No, don't know them.

13 Q. Who was the sergeant on the scene that
14 night or your sergeant that you would have
15 reported to?

16 A. I don't remember.

17 Q. Does Sergeant Franko sound familiar?

18 A. He sounds familiar, but I believe
19 that's the midnight sergeant, if I'm not...

20 Q. Okay. Did you see Commander Eugene Roy
21 out there?

22 A. I don't know. I don't remember.

23 Q. Okay. What about David McNaughton?

24 A. I don't remember.

1 Q. So who did you talk to at the scene of
2 the shooting besides your partner?

3 A. Possibly the sergeant on scene.

4 Q. Anyone else?

5 A. I'm sure -- I'm sure there was -- there
6 was -- I don't remember. But I'm sure there was
7 other officers that maybe were asking me a
8 question. I couldn't tell you exactly who.

9 Q. Okay. Did you talk to -- did you talk
10 to any detectives at the scene?

11 A. Possibly.

12 Q. So just jumping for the whole night,
13 did you talk to a detective at all at any point
14 that night?

15 A. I'm sure, yes.

16 Q. You are not sure whether it was at Area
17 Central or whether it was at the scene?

18 A. Yes.

19 Q. Okay. But you do recall talking to the
20 detective and giving a statement, correct, about
21 what you had seen?

22 A. Right. He asked me what I saw.

23 Q. And at the time did you know who the
24 detective was who you gave your statement to?

1 A. No.

2 Q. Okay. And now you -- you know that
3 person to be Detective March, correct?

4 A. Well, I mean --

5 Q. Could it have been someone different
6 taking your statement?

7 A. Yes, yes, I'm not a hundred percent
8 sure. I don't know the name.

9 Q. Okay. So we will go back to your
10 conversation with the detective, obviously. But
11 was there anyone else that you recall speaking
12 with at the scene?

13 A. No, I don't. I don't really remember.

14 Q. Okay. So you said you and your partner
15 were kind of standing around waiting to be told
16 what to your knowledge. Did anyone give you any
17 direction? Were you guys directing traffic?

18 A. Yeah, I believe -- I believe it might
19 have been the sergeant that instructed us to
20 drive to the area, that the detectives wanted to
21 talk to us.

22 Q. So at the scene, how long were you at
23 the scene, do you think? It was after the
24 shooting -- from after the shooting until when

1 you went to the area?

2 A. If I had to guess, maybe, I don't know,
3 30, 45 minutes maybe, an hour, somewhere around
4 there.

5 Q. Do you recall -- did it seem like there
6 was still a lot of people on the scene --

7 A. Yes.

8 Q. -- when you left?

9 A. Yes.

10 Q. So it seems like you were on the
11 earlier end of going to the area compared to a
12 lot of the other officers?

13 A. I wouldn't know. I don't.

14 Q. Okay. When you were at the scene, did
15 you guys do anything or you just waited and then
16 you were told to go to the area?

17 A. That's correct.

18 Q. At any time while you are at the scene,
19 did you hear Officer VanDyke say anything or
20 describe the shooting?

21 A. No.

22 Q. Did you hear any other officers
23 describing the shooting?

24 A. No.

1 Q. Did you see individuals watching a dash
2 cam video of the shooting at the scene?

3 A. Who are individuals? What do you mean?

4 Q. Anyone. Anyone watching the 813R dash
5 cam?

6 A. I'm sure of it. Yeah, I'm sure there
7 was officers watching.

8 Q. Okay. So at the scene, did anyone come
9 to check your dash cam?

10 A. I believe it was -- yeah, there was an
11 officer in plainclothes that was checking our
12 cameras.

13 Q. Can you describe that conversation,
14 when it happened?

15 A. He looked like he was a technician, a
16 police technician. He had his keyboard there
17 and was trying to log onto the cameras, our
18 cameras.

19 Q. Okay. And you did see him going around
20 to other vehicles to see -- check their cameras?

21 A. I didn't see. I know he came to ours.

22 Q. Did you see people at the scene --
23 sorry, you said I'm sure of -- I'm going to
24 reask this question.

1 But did you see people at the scene
2 watching other dash cam videos?

3 A. I believe the sergeant was, as far as I
4 can remember.

5 Q. Okay. So watching the dash cam video
6 from what you believed to be 813R, the main
7 video?

8 A. Yeah, one of them. I don't know
9 exactly what car, what -- what number that car
10 was.

11 Q. Okay. So at the scene of the shooting,
12 did you talk to any FOP representatives?

13 A. At the scene?

14 Q. At the scene?

15 A. No.

16 Q. Okay. Do you recall any FOP reps being
17 at the scene?

18 A. No, I don't recall.

19 Q. Okay. And just to be clear, at the
20 scene you didn't see any video of the shooting?

21 A. No.

22 Q. Did your partner, Officer Velez?

23 A. Let me go back on that. I think --
24 from what I can remember, I believe the sergeant

1 called us over to the car and pointed at the
2 camera and says, "Is this your vehicle?" So at
3 that point, then I saw the camera where he was
4 pointing at my vehicle and I said, "Yes." And
5 then that's when he said, "Okay, they want to
6 talk to you at Area."

7 Q. Sorry. Your -- he pointed -- he came
8 to your vehicle, correct?

9 A. No. He called us over to another
10 vehicle.

11 Q. Okay. Okay. He called you over to a
12 different officer's vehicle?

13 A. Yes. One of the vehicles came and
14 said, "822, the sergeant needs to see you." And
15 then I went over to the sergeant and he was
16 inside a vehicle and he pointed to the camera
17 and said, "Is this your vehicle?"

18 Q. Your vehicle on the video?

19 A. Correct.

20 Q. Got it. And you said yes?

21 A. Yes.

22 Q. Okay. And then what did he say?

23 A. "They need to see you in the Area" or
24 "go to the Area," something of that sort.

1 Q. So why -- he -- why did he say go to
2 the Area, was it because they could see that you
3 guys saw the shooting on the video?

4 A. That we were in the area, correct.

5 Q. Got it. Is that the video that we now
6 know to be 813R's dash cam video?

7 A. I'm not a hundred percent sure. But
8 most likely that's the camera.

9 Q. And what -- did you see the whole
10 shooting on the video when the sergeant pointed
11 it out to you?

12 A. No.

13 Q. What parts do you recall seeing?

14 A. When my vehicle was in the shot, he
15 specifically said, "Is that your vehicle?"

16 Q. Okay.

17 A. And then that's when I said yes. So
18 they said, "Okay. Go to the Area."

19 So that's when I walked back to the car
20 and I got to my partner and we walked to the
21 area.

22 Q. Okay. And did he pause it and you
23 walked out?

24 A. I didn't stay. As soon as he said

1 leave, I left.

2 Q. Can you describe the sergeant for me?

3 You don't recall his name, you said, right?

4 A. No, no.

5 Q. Can you describe what he looked like?

6 A. I'm not even sure. He was Caucasian.

7 Sorry.

8 Q. Okay. Big guy? Was he bald? Did he

9 have a lot of hair?

10 A. I don't remember.

11 Q. Okay. So you said you weren't sure if

12 you talked to detectives at the scene. But it

13 sounds like you do recall talking to detectives

14 at Area Central?

15 A. Yeah. That I'm more sure about, that

16 it was Area Central.

17 Q. So let's just -- do you have any

18 questions about anything else at the scene?

19 MR. JACOB: Do you know where VanDyke is at

20 the scene at all when you are there?

21 OFFICER BECERRA: Yeah, I didn't know his

22 name. I know the officer.

23 MR. JACOB: The officer who shot -- who fired

24 the shots.

1 OFFICER BECERRA: Now I know, yes.

2 MR. JACOB: Okay. Do you know where he was
3 at the scene relative to where all the activity
4 was happening?

5 OFFICER BECERRA: Yeah, I saw him right in
6 front of me.

7 MR. JACOB: Did you see him speaking to
8 anybody or was he by himself?

9 OFFICER BECERRA: I don't know after that. I
10 saw the scene and I just quickly went back.

11 MR. JACOB: That's all.

12 BY MS. ANSARI:

13 Q. So about what time did you leave for
14 Area Central?

15 A. Oh, I don't -- I don't recall. I would
16 probably say, like I said, 45 minutes, maybe
17 45 minutes to an hour after the scene.

18 Q. After the shooting?

19 A. After the shooting.

20 Q. Okay. How did you get to Area Central?

21 A. We drove in the squad car.

22 Q. Okay. And did you drive?

23 A. Yes.

24 Q. It was just you and Officer Velez?

1 A. Yes.

2 Q. Okay. Did you have any conversations
3 with your partner about the shooting on the way
4 to Area Central?

5 A. I don't remember really. I mean, there
6 was probably something to the effect of, you
7 know, we were just -- it was a traumatic event.
8 We were more like silent at first and then kind
9 of like wow, you know, the fact that it
10 happened.

11 Q. And did you -- how many conversations
12 about the number of shots being fired being
13 excessive or what your opinions were on that?

14 A. I do remember saying something like it
15 was multiple shots. I remember conversating
16 about that, like.

17 Q. And what -- what about those shots?

18 A. Well, just we heard -- it was many
19 shots, you know.

20 Q. And did you guys kind of talk about how
21 that seemed like it was too many or --

22 A. No. We were just more like it was
23 multiple shots kind of thing.

24 Q. Okay. So about what time -- how long

1 did it take you to get to Area Central? It's a
2 15-minute drive.

3 A. Yeah, 15-, 20-minute drive.

4 Q. Okay. Once you got to Area Central,
5 can you just walk us through what happened
6 there, just from start to when you left?

7 A. We sat at one of the tables there.
8 There is computers there and all the officers
9 are around. And, basically, just stood there.
10 And at this point we were just waiting for
11 instructions. Maybe somebody comes up to us and
12 asks us some questions.

13 But basically sit there, it's our time
14 to relax and calm down, you know.

15 And then I remember some time maybe one
16 of the plainclothes officers asked me what did
17 you see or what happened or where were you, some
18 of those questions. I gave him my memory of
19 what happened, what I saw. And then he probably
20 wrote it down. And that's as far as I -- I
21 know.

22 Q. Okay. So when you guys were at Area
23 Central -- when you got to Area Central, what
24 other officers were in blue shirts, people who

1 were -- actually witnessed the shooting? Were
2 any of those officers already there?

3 A. Yes, I believe so.

4 Q. Okay. Do you know who?

5 A. Yeah. I know Walsh. I remember seeing
6 Walsh and VanDyke now, Mondragon, Daphne I think
7 her name is, those are the kind of ones I
8 remember.

9 Q. Okay. Did you guys, while you were
10 waiting in the main area, were you talking or
11 did you guys talk about the shooting?

12 A. No. Everyone was just -- no, we
13 were -- me and my partner were separate. We had
14 like -- what I mean by separate, we had some
15 distance and we were just sitting there and kind
16 of like taking our time to relax.

17 Q. Okay. So there wasn't any conversation
18 among the officers about what had happened and
19 what you had seen?

20 A. I mean the others, I don't know. As
21 far as me and my partner, no.

22 Q. That involved you?

23 A. Yeah. No.

24 Q. Okay. Did you see people at Area

1 **Central watching any video?**

2 A. I remember that there was -- there was
3 video on one of -- one of the detective's desks.

4 Q. Did you watch it?

5 A. I'm sure they were -- they were -- they
6 were playing it. I don't know if I was actually
7 in the -- I can't remember if I was that close
8 to the video. But I think I remember seeing
9 that the video was playing somewhere like in the
10 background on the computers.

11 Q. Okay. Were people kind of like huddled
12 around it trying to see what happened on the
13 video?

14 A. Yeah, it was scattered. Some were,
15 some weren't.

16 Q. Okay. Did you see detectives -- did
17 you see other officers watching the video with
18 detectives?

19 A. I don't know.

20 Q. Okay. Did you see any FOP
21 representatives at Area Central?

22 A. It's kind of -- it's kind of hard. I
23 don't know exactly who is a FOP representative.
24 There's -- there is a lot of people. I don't

1 know exactly who is who.

2 Q. Did you talk to any FOP reps at the
3 scene --

4 A. I don't know.

5 Q. -- at the Area Central?

6 A. Yeah, I don't even know.

7 Q. So you talked to a detective at the
8 scene, correct -- I'm sorry, at Area Central,
9 correct?

10 A. Yeah, it was a plainclothes officer. I
11 would assume he was a detective of some sort.

12 Q. Okay. What did he look like?

13 A. I don't even know.

14 Q. Was it just one detective or did you
15 talk to multiple detectives?

16 A. I think there was -- there was maybe
17 multiple detectives asking me different types of
18 questions, so I don't know. It wasn't -- it
19 wasn't like we were sitting down one on one. I
20 don't know. It was more like a group of
21 plainclothes officers.

22 Q. Okay. And did anyone -- was anyone
23 writing anything down while you were saying what
24 you saw?

1 A. Perhaps.

2 Q. Okay. Where was Officer Velez at the
3 time? Was she with you while you were giving a
4 statement?

5 A. Yes.

6 Q. Were you giving the statement together
7 or was it -- did they take you separately to
8 tell --

9 A. No. We were in close proximity, but
10 maybe not -- I mean, not right next to each
11 other. But in the general area --

12 Q. Okay.

13 A. -- she was around.

14 Q. So it wasn't a conversation to get --
15 they weren't asking you questions together? You
16 were in separate --

17 A. Kind of, yeah, like in a scattered
18 setting.

19 Q. Okay. Could you hear what she was
20 saying to the detectives about what she saw?

21 A. No. There was a lot of people talking.

22 Q. Okay. Do you remember where exactly
23 you were in the -- were you in the main room in
24 the area -- at Area Central when you were

1 talking to the detectives?

2 A. Yeah, I think it was the main room at
3 one of the tables there.

4 Q. Okay. So you said a lot of people were
5 around?

6 A. Oh, yes.

7 Q. Was anyone who wasn't a detective
8 involved in your statement to them? Was any --
9 you said multiple detectives were talking to you
10 about what you had seen. Were there any other
11 officers that were part of that conversation,
12 officers or sergeant or other personnel?

13 A. What do you mean, talking to who?

14 Q. While you were talking to the
15 detectives, you said you were having a
16 conversation with plainclothes officers so we
17 assume they were detectives. Was there any one
18 else part of the -- that conversation when you
19 were describing the shooting?

20 A. Not with me.

21 Q. Okay. About how long had you been at
22 Area Central before you talked to the
23 detectives?

24 A. How long before I talked to a

1 detective?

2 Q. Uh-huh. How long had you been waiting?

3 A. Man, I don't know. 30 minutes maybe.

4 I don't -- I don't know.

5 Q. Okay. So I'm going to hand back

6 Exhibit 5 and 6 to you. I will ask you a couple

7 background questions and we will just go over

8 these.

9 So do you know what a case
10 supplementary report is?

11 A. Yes.

12 Q. Okay. Who creates these?

13 A. Sometimes we do and sometimes the
14 detectives do.

15 Q. Okay. What is the purpose of a case
16 supplementary report?

17 A. To, you know, add facts to the original
18 report.

19 Q. Okay. And then the next one, the
20 handwritten notes, Exhibit 6?

21 A. Okay.

22 Q. So that's a general progress report.
23 Have you seen these before?

24 A. No.

1 Q. Okay. Do you -- do you know what they
2 are and who creates them?

3 A. I know what they are now, yes, and who
4 creates them, yes.

5 Q. What are they now -- or what are they?

6 A. I believe this is the detective's kind
7 of like notes.

8 Q. Okay. So if you can turn to page 2 of
9 Exhibit 5, please. So I'm going to go through
10 the statements in your -- so this Exhibit 6,
11 like we said -- or Exhibit 5 is Detective
12 March's case supplementary report and it
13 contains a summary of what you said to him that
14 evening.

15 A. Okay.

16 Q. So I'm just going to go over it line by
17 line.

18 A. Okay.

19 Q. And I'm going to ask you first if you
20 made that statement and second whether it's
21 actually accurate. Okay?

22 A. Okay.

23 Q. So just for the record your name is
24 spelled wrong in this, correct?

1 A. Correct.

2 Q. Okay. So it's B-E --

3 A. -- C-E-R-R-A, right.

4 Q. Okay. [As read]: Officer Becerra and
5 his partner responded to the request for
6 assistance made by Beat 815R regarding a subject
7 who was armed with a knife.

8 Did you say that to detectives on the
9 night of October 20th?

10 A. I didn't say the 815R. I didn't know
11 exactly who it was.

12 Q. Okay. Is that statement accurate
13 besides what you just pointed out?

14 A. Yes, correct.

15 Q. Okay. [As read]: Becerra was driving
16 northbound on Pulaski Road from 47th Street.

17 Did you say that to the detective?

18 A. Yeah. I mean, when -- when he says
19 from 47th Street, I was coming from St. Louis.
20 So it was all the way from 51st Street. So I
21 don't remember -- I don't know, maybe he asked
22 me. But I don't know about 47th Street.

23 Q. Okay. [As read]: As he approached the
24 scene of this incident at 4112 South Pulaski, he

1 observed a black male subject now known as
2 Laquan McDonald in the middle of the street
3 flailing his arms.

4 Do you recall making that statement to
5 Detective March or what you thought was the
6 detective?

7 A. Yeah, part of the statement. The
8 flailing of his arms, I -- I described it as he
9 was waving his -- his arms kind of by his side,
10 kind of thing, kind of like jiggling it with his
11 hand, the knife.

12 Q. Okay.

13 MR. FAHY: For the record he is indicating
14 with his right hand.

15 BY MS. ANSARI:

16 Q. So you don't recall saying that
17 McDonald was flailing his arms, using the word
18 "flailing"?

19 A. No.

20 Q. Okay. Otherwise, is that statement
21 accurate?

22 A. Yes.

23 Q. [As read]: As he got closer, Becerra
24 observed McDonald to be holding a knife in his

1 right hand. Did you say that to --

2 A. Yes.

3 Q. -- Detective March? And is that
4 accurate?

5 A. Yes.

6 Q. [As read]: Becerra drove past McDonald
7 with McDonald on the left side of the police
8 vehicle as beat 845R drove past Becerra on the
9 right side of his vehicle traveling southbound.

10 Did you say that to the detective?

11 A. Part of it. The -- just to have every
12 -- the left side is the driver's side, which
13 would be my side. He was right by my side.

14 I didn't know -- I don't know the
15 numbers 845 Robert, so I wouldn't have
16 specifically said 845 Robert. I don't know who
17 it was.

18 And, you know, at the time I was
19 driving. I don't know who exactly was around
20 me. I had to keep my eyes on him and move away.
21 I just didn't feel comfortable at that distance.

22 Q. So I guess, please correct me if I'm
23 putting the wrong words in your mouth, but you
24 did observe McDonald on the left side of the

1 police vehicle on your side, correct?

2 A. Correct.

3 Q. Okay. But you weren't sure if the
4 other car drove on the right side of your
5 vehicle?

6 A. Correct.

7 Q. Okay. Because you were focused on
8 McDonald?

9 A. Correct.

10 Q. Okay. [As read]: As Becerra began to
11 make a U-turn, he heard multiple gun shots.

12 Did you tell that to the detective?

13 A. Yes.

14 Q. Is that correct?

15 A. Yes.

16 Q. [As read]: He then saw McDonald lying
17 on the ground.

18 Did you --

19 A. It should be when I exited vehicle,
20 then I -- I saw him on the ground.

21 Q. So do you recall telling the detective
22 that you had exited the vehicle --

23 A. Yes.

24 Q. -- and then saw him?

1 A. Yes.

2 Q. And then it says [as read]: Becerra
3 did not see who fired the shots.

4 Did you tell that to the detectives?

5 A. Yeah, that's -- that's -- what I
6 described as, as I was in my vehicle making the
7 U-turn, I heard the shots. It was behind me,
8 you know, I was making the turn. So I didn't
9 see those initial -- or I would say the
10 beginning of the shots.

11 As I exited my vehicle, then I saw the
12 officer shooting McDonald.

13 Q. Okay. And you -- and you said that to
14 the detectives that night?

15 A. Yes.

16 Q. Okay. So that part of the statement is
17 not accurate -- not accurately recorded?

18 A. No. And you know, I don't -- I don't
19 know, maybe I was rushed or maybe he didn't kind
20 of finish the paragraph, I don't know.

21 Q. Okay. What direction was your vehicle
22 facing when you stopped it and got out?

23 A. I'm not -- I'm not certain.

24 Q. Okay. Do you know how far away you --

1 your vehicle -- you -- how far away did you stop
2 the vehicle away from McDonald?

3 A. I don't know exactly.

4 Q. Okay. And when you got out of the
5 vehicle, did you walk kind of towards -- I mean,
6 there is, obviously, shots going. But can you
7 kind of describe where you were in relation
8 to --

9 A. Yeah. I was -- I exited the vehicle
10 and the officer was right in front of me. So I
11 was kind of like on his right side.

12 Q. Got it. Okay. And you mean Officers
13 Walsh and VanDyke, correct?

14 A. Right, correct.

15 Q. Okay. Did you say anything to the
16 detectives or anyone that night about the --
17 about whether the number of shots fired were
18 excessive?

19 A. No. They would ask me, you know, how
20 many shots. I said I just heard multiple. I
21 couldn't tell -- I couldn't tell you exact
22 number.

23 Q. Okay.

24 MS. ANSARI: I was going to the allegations.

1 Do you want to follow up?

2 MR. JACOB: Yeah. Did you -- do you recall
3 telling the detective after you had gotten out
4 of the vehicle seeing the officer shooting
5 McDonald while he was on the ground?

6 OFFICER BECERRA: Yes, I do remember saying
7 that.

8 MR. JACOB: Is there anything else from this
9 statement that you feel the detective either
10 edited or omitted?

11 MR. FAHY: Other than what he has already
12 described?

13 MR. JACOB: Other than what you have already
14 described, yes.

15 OFFICER BECERRA: No, no.

16 MR. JACOB: That being the only example or
17 omission?

18 OFFICER BECERRA: Correct.

19 MR. JACOB: That's all.

20 BY MS. ANSARI:

21 Q. Okay. So let's go back to Exhibit 2 --
22 I'm sorry, 3. So this is a little bit
23 repetitive. But as a matter of procedure, I'm
24 going to read the allegations.

1 A. Okay.

2 Q. The ones that are relating to the CSR.

3 A. Okay.

4 Q. And just to give you a chance to
5 respond. You have kind of already told us what
6 your response is, but just for the record.

7 A. Okay.

8 Q. So it's alleged that on or about
9 October 20th, 2014, you provided a false
10 narrative to Detective David March of the
11 Chicago Police Department concerning the
12 McDonald shooting.

13 What is your response to that
14 allegation?

15 A. That's incorrect.

16 Q. It is alleged that on or about
17 October 20, 2014, you made a false statement
18 during an interview with the CPD Detective David
19 March when, with respect to the McDonald
20 shooting, you stated that you did not see who
21 fired the shots?

22 A. That's incorrect.

23 Q. Okay. It is alleged that on or about
24 October 20, 2014, you made a material omission

1 during an interview with CPD Detective David
2 March when, with respect to the McDonald
3 shooting, you failed to state that you saw
4 McDonald being shot while he was on the ground?

5 A. That's incorrect.

6 Q. Okay. So now we are going to go to
7 questions relating to the dash cam system. So
8 can you walk us through the way -- the ways that
9 you as an officer use your vehicle's in-car
10 video system through your shift. Can you --
11 start that over.

12 As a general practice, around the time
13 of October 20th, 2014, what was your practice
14 with related -- with regards to the dash cam at
15 the start of your shift, through your shift?

16 A. Yeah, we enter the -- we get into the
17 squad car. We turn on the camera and those
18 cameras have a mind of its own. You know, it's
19 they will work one minute, a few minutes later
20 they won't work. Sometimes it will work the
21 whole tour. It's just very temperamental.
22 These cameras in our squad car. And it's
23 connected with the microphones.

24 So what we do is we -- we sign on to

1 the cameras. Everything works, it's a great
2 day. Sometimes there is problems and the
3 supervisor will ask us is the camera working, is
4 it not working, and then we will say, you know,
5 it's got some problems or so and so, just give
6 him a report of what's going on with the camera.

7 Q. Okay. And do they only turn on when
8 you go lights and sirens or how does - how are
9 they recording throughout the night?

10 A. From my understanding it's they
11 activate when you turn on your emergency lights.

12 Q. Okay. So as of October 2014, what
13 rules or regulations governed your use of the
14 in-car audio and video system?

15 A. Can you repeat that again?

16 Q. Sorry. Are you aware of any special
17 orders or general orders that describe what you
18 are supposed to do with the in-car video
19 systems?

20 A. I'm sure there is a general order. I
21 will have to read it again.

22 Q. Well I will give it to you. So I will
23 enter as Exhibit 7, the special order SO-3-05
24 relating to in-car video systems.

1 (Whereupon, Becerra Deposition
2 Exhibit 7 was marked for
3 identification.)

4 BY MS. ANSARI:

5 Q. So I want to direct your attention to
6 Section 6 of the special order titled
7 "operational procedures."

8 A. Okay.

9 Q. It's on page 3. Specifically where it
10 says that [as read]: At the beginning of a tour
11 of duty, a department member is to visually
12 inspect the in-car video system equipment for
13 damage, obtain the remote transmitter audio
14 recorder and ensure it is securely attached to
15 the member's person and follow the startup
16 procedures for in-car video system as trained
17 and ensure the system is working properly.

18 Were you aware of that procedure?

19 A. I mean yeah. Like I said, I would have
20 to look at this to really make sure one, two or
21 three points. But there is a general under -- I
22 have a general understanding of it.

23 Q. And as a general practice, are those
24 things you would do at the beginning of your --

1 A. Yes.

2 Q. -- tour of duty?

3 A. Yes.

4 Q. So you would normally -- you would
5 attach the microphone to your person before a
6 tour of duty, correct?

7 A. Yes.

8 Q. Okay. Did you receive training on
9 these procedures, on -- or just training on how
10 to use the dash cam systems?

11 A. That's hard to say because -- yeah, I
12 don't exactly remember if I was trained or not.

13 Q. Okay. Okay. And you can see on that
14 page it says [as read]: Note, members will
15 immediately notify a supervisor if at any time
16 in-car video system becomes inoperable, damaged,
17 the vehicle becomes inoperable or the remote
18 transmitter audio recording was missing.

19 Was that your regular practice to
20 notify a supervisor if your system wasn't
21 working?

22 A. Yes. But -- what usually happens is
23 that the supervisor, he would ask us -- there
24 would be sometime during the tour he would

1 check -- he checks -- check up on us, how are
2 you doing, how are you doing, how is the camera
3 working. And then usually if there was a
4 problem, we would tell him at that particular
5 time.

6 Q. Okay. So it wasn't kind of a proactive
7 going to tell the supervisor; you would wait
8 until they checked in with you to tell?

9 A. Right. Because there has been some
10 instances where we will turn on the camera and
11 it will work fine. We will exit the vehicle,
12 grab a cup of coffee, come back and the camera
13 is down, which normally it shouldn't be. So
14 then we will have to turn it back on and it will
15 work perfectly.

16 So there is always some chance where
17 it's working now, a few minutes later, it just
18 sends a little signal and it doesn't work. It's
19 very temperamental.

20 Q. Okay. So you stated that you were the
21 driver of the vehicle on October 20th, 2014,
22 correct?

23 A. Yes.

24 Q. Okay. Do you know that the vehicle

1 number -- we have it being referred to as 8765.

2 Do you know that that's the name of the
3 vehicle -- the vehicle number?

4 A. Yeah, I think it is.

5 Q. So your vehicle that night had an
6 in-car video system, correct?

7 A. Yes.

8 Q. Okay. Was that the car that you were
9 generally assigned to?

10 A. Generally, yes.

11 Q. Okay. At the time -- as of that date,
12 how long had you worked in the squad car with an
13 in-car video system?

14 A. I don't know exactly. I can't recall
15 as -- I have six years on the job. I can't
16 recall the first day, day one, when I got out of
17 the academy training. I can't recall if there
18 was a camera installed in the -- in the cars.
19 So I don't know exactly when it got implemented.

20 Q. What's your PC Number?

21 A. Zero -- PC [REDACTED]

22 Q. Okay. So on previous tours, did you
23 have any issues with that vehicle's in-car video
24 system?

1 A. Yes.

2 **Q. What were they?**

3 A. From what I can remember, it would --
4 it would turn off at -- it would, like, short,
5 you know, there would be some kind of short
6 where it would not make the camera active.

7 **Q. Okay. So it would turn off,**
8 **essentially?**

9 A. Not completely turn off. It would like
10 freeze. The system would freeze for some time.

11 **Q. So about how often did you have issues?**

12 A. I really want to say every day.

13 **Q. Okay.**

14 A. But it's -- it's high volume.

15 **Q. Okay. So who did you report those**
16 **issues to?**

17 A. You know, when the sergeant would come
18 and check up on us, I would tell him, "Hey the
19 camera is, you know, freezing again." Or --
20 "Today it's fine." Or "It's freezing, it's not
21 working."

22 And then he would generally get a
23 report, I guess, a work number.

24 **Q. A ticket number?**

1 A. Ticket number.

2 Q. Okay. So you would report that to your
3 supervisor and he would get the ticket?

4 A. That's correct.

5 Q. Okay. So the night of October 20th,
6 2014, or I guess the day when you started your
7 shift, can you walk us through what you did with
8 respect to the in-car video system that day?

9 A. Sure. We got into the vehicle. I
10 remember my partner signing onto the camera.
11 And then she said something like, "Oh, it's not
12 working." And then we tried -- we were
13 troubling shooting. I said, "Okay, let's turn
14 off the car and press the power button and
15 restart the camera."

16 We did that. The camera was -- it was
17 making some -- you know, making -- there was
18 some lines like it was going to reboot and it
19 just didn't -- I don't know if it fully
20 rebooted.

21 Q. Okay. So you had issues with it at the
22 beginning of that tour?

23 A. Oh, yes. Yes.

24 Q. And did you report those issues?

1 A. Yeah, we didn't really get a chance to
2 report those issues. You know, we usually wait
3 until the supervisor comes and says, "How are
4 you doing? How -- how is -- how is the camera?
5 Does it work?" Or "How is your vehicle?" in
6 general.

7 Q. Okay. So that night you didn't report
8 any issues with your -- or on that tour, you
9 didn't report any issues with your dash camera?

10 A. Well, we didn't -- yes, we didn't
11 really get a chance to. We didn't get -- the
12 opportunity didn't arise to like, oh, let's meet
13 up with the sergeant and tell him.

14 Q. Okay. Where did you keep your
15 microphone -- well, so because the video wasn't
16 working, is that why -- where did you keep your
17 microphones for that day?

18 A. Yeah, it was -- it was in the dock, in
19 the charging dock.

20 Q. And you kept them on the dock?

21 A. Because the camera wasn't -- yeah, it
22 was just -- it was acting up.

23 Q. Okay. So I'm going to enter into
24 evidence three exhibits. So these are going to

1 be -- so the first exhibit and we will mark that
2 as Exhibit 8 is an original case incident report
3 regarding -- filled out by Sergeant Lance Becvar
4 regarding the dash cameras of the vehicles which
5 we -- that were on the scene that night.

6 The second I'm marking as Exhibit 9 is
7 an in-car camera video retrieval worksheet.

8 And the third, we will mark it
9 Exhibit 10, is an e-mail from Sergeant Lance
10 Becvar to Jonathan Lewin.

11 (Whereupon, Becerra Deposition
12 Exhibit 8 was marked for
13 identification.)

14 (Whereupon, Becerra Deposition
15 Exhibit 9 was marked for
16 identification.)

17 (Whereupon, Becerra Deposition
18 Exhibit 10 was marked for
19 identification.)

20 BY MS. ANSARI:

21 Q. So if you can see on Exhibit 8 the
22 firsthand written document. It notes -- it says
23 [as read]: Beat 822R vehicle 8765 not engaged.
24 Officer reported power issues. And then you can

1 see on the second, vehicle 8765 [as read]: Mics
2 charging in cradle, not synced to system.

3 A. Okay.

4 Q. In the third exhibit [as read]:
5 Vehicle 8765 system not engaged. Officer
6 related no power. There is no open HDT called
7 in on vehicle. Mics not synced to system even
8 though they were in the charger cradle.

9 Can you explain -- you already kind of
10 did this, but to go over it again. Can you
11 explain why the system was not engaged?

12 A. Yeah. There was issues with the
13 camera, technical issues.

14 Q. Okay. Do you recall having a
15 conversation with Sergeant Lance Becvar on
16 October 20th regarding your in-car video system?

17 A. No, I don't recall a conversation. I
18 know, he was maybe talking to my partner.

19 Q. Okay. But you did say there was a
20 technician trying to get video from your car?

21 A. That's correct.

22 Q. And kind of what did that
23 conversation -- what was he --

24 A. Well, I was -- we were outside of the

1 car while he was in and him and my partner were
2 talking because she was the one -- I'm the
3 driver. So she's -- the passenger usually makes
4 sure -- you know, we both make sure. But she is
5 the one that's actually putting her numbers into
6 the camera.

7 Q. Okay. Got it.

8 And your -- and you and -- you and your
9 partner, Officer Velez, didn't file any open --
10 didn't file a help desk ticket with regard to
11 the vehicle's in-car video system that night; is
12 that correct?

13 A. Yeah, we -- we never got an opportunity
14 to do so, yeah.

15 Q. Okay. So Becvar's e-mail, that's the
16 Exhibit 10, says that the mics for the vehicle
17 were not synced. Why were they not synced?

18 A. The system wasn't turning on.

19 Q. Okay. So can the mics be synced if the
20 video is not working?

21 A. I don't know.

22 Q. Okay.

23 MR. JACOB: Just a couple follow-ups.

24 MR. FAHY: Before we go to your follow-ups,

1 could we have two minutes?

2 MS. ANSARI: Sure. We are going off the
3 record. It is 12:14 p.m.

4 (Whereupon, a recess was had at
5 12:14 p.m., after which the
6 deposition was resumed at
7 12:16 p.m. as follows:)

8 MS. ANSARI: We will go back on the record.
9 It's 12:18 p.m.

10 Matt, you have a couple follow-ups on
11 the dash cam.

12 MR. JACOB: Just really quick. I don't
13 remember if you addressed this already. But at
14 what point during your tour is the sergeant
15 checking in that allows you to say, yeah, our
16 video camera is not working correctly?

17 OFFICER BECERRA: Yeah, usually within the
18 first couple hours of the tour.

19 MR. JACOB: So just over the radio or on the
20 phone or --

21 OFFICER BECERRA: Usually once to -- yeah,
22 over the PDT, over the computer. Or sometimes
23 he will meet up face to face with us.

24 MR. JACOB: Okay. And it's at that point

1 that you let them know, yeah, this wasn't
2 working today.

3 And it's not necessarily incumbent upon
4 you to fill out the help desk ticket, but it's
5 the sergeant's responsibilities?

6 OFFICER BECERRA: Well, I mean, yeah, that
7 was -- I was under the impression of it that
8 way. It's hard to say now because now there
9 is -- it seems to be the rules are more intact
10 as far as the procedures. You know, it's more
11 talked about more. So it's at the beginning of
12 the tour, we have to notify the supervisor and
13 do that.

14 But at that particular time, it was
15 more we used that, it was more that we met him
16 or talked to him through the computer that we
17 would tell him the information.

18 MR. JACOB: That was -- you said that's the
19 impression that you had at that time. You said
20 you don't recall necessarily being trained on
21 how to operate the dash cam video system?

22 OFFICER BECERRA: Yeah, it's hard -- it's
23 hard to really say. There is a lot of training.
24 I can't -- I can't exactly remember if -- I

1 don't know. I don't remember if it was a
2 training through our computer system where we
3 just do the training or somebody physically told
4 us what to do. It's -- it's kind of hard.

5 MR. JACOB: Or a video you may have watched?

6 OFFICER BECERRA: Right. Exactly. I don't
7 know exactly what happened.

8 MR. JACOB: But had it happened, would it
9 have been something that both you and Velez
10 would participate in together? Do you two
11 normally participate in trainings together?

12 OFFICER BECERRA: No, I think -- well, it
13 depends.

14 MR. JACOB: Or at least at that point in time
15 she would be your partner at that time?

16 OFFICER BECERRA: Yeah, it depends because if
17 it's on the computer, then it's individually.
18 But if it's like a group setting where someone
19 comes in and shows us, it would be a group.

20 So I don't know exactly what kind of
21 training she got.

22 MR. JACOB: That's all.

23 BY MS. ANSARI:

24 Q. So let's turn back to Exhibit 3, and

1 those are the allegations. I will read through
2 those.

3 It is alleged that on or about
4 October 20th, 2014, you failed to ensure the
5 in-car video system for CPD vehicle 8765 was
6 working properly at the beginning of your tour
7 of duty.

8 What is your response to that
9 allegation?

10 A. Yeah, that's accurate.

11 Q. Okay. It is alleged that on or about
12 October 20th, 2014, you failed to immediately
13 notify a supervisor that the in-car video system
14 for CPD vehicle 8765 was inoperable or damaged.

15 What is your response to that
16 allegation?

17 A. Yeah, again, probably accurate.

18 Q. It is alleged that on or about
19 October 20, 2014, you failed to audibly record
20 events with CPD vehicle 8765's in-car video
21 system during your tour of duty.

22 What is your response to that
23 allegation?

24 A. Yeah, accurate.

1 Q. Okay. So I'm going to move on to just
2 a couple more questions. Did you give testimony
3 in a grand jury regarding the Laquan McDonald
4 shooting?

5 A. Yes.

6 Q. Okay. About when did that happen?

7 A. I don't know exactly when.

8 Q. Was it like summer, fall, winter?

9 A. Maybe six to eight months ago. I don't
10 remember.

11 Q. Okay. Was it the federal grand jury,
12 was it at the -- do you know where it was or was
13 it a state grand jury?

14 A. I think it was the federal building.

15 Q. Federal building.

16 A. Yeah.

17 Q. Did you talk to FBI agents before your
18 interview?

19 A. Yes, yes.

20 Q. Okay. Is anything that you did -- did
21 they show you documents during your testimony or
22 the FBI?

23 MR. FAHY: You know what, I'm going to object
24 to any questions about the federal grand jury,

1 unless you are going to provide him with a copy
2 of his transcripts. And also, I mean, it's an
3 active and ongoing grand jury investigation. So
4 unless you are going to give him the benefit of
5 his grand jury testimony to review, I'm going to
6 object and ask him not to answer any questions
7 about what was asked, other than it was
8 regarding this incident.

9 MS. ANSARI: Okay.

10 BY MS. ANSARI:

11 Q. Okay. So, obviously, this has been in
12 the news a lot. Have you been kind of keeping
13 up on the news regarding the McDonald shooting?

14 A. No.

15 Q. You haven't been?

16 A. No.

17 Q. Okay. Did you see the dash cam video
18 on the news when it was disseminated to the
19 public?

20 A. Yeah, I think I saw it on the website,
21 yeah.

22 Q. Okay. Have you had any conversations
23 with your fellow officers, including your
24 partner -- or including your former partner or

1 your current partner, regarding recent
2 developments related to the McDonald shooting?
3 So kind of what the discipline has been coming
4 down?

5 A. No. It's just -- it's been a very
6 traumatic incident. I just I don't -- I kind of
7 stayed away, you know. I don't want to talk to
8 anybody. I don't want to discuss it.

9 MS. ANSARI: Okay. So is there -- I don't --
10 do you have any follow-up questions?

11 MR. JACOB: Really quick, you said you were
12 at the scene about 30 to 45 minutes or so --

13 OFFICER BECERRA: After?

14 MR. JACOB: -- after the shooting.

15 OFFICER BECERRA: Okay.

16 MR. JACOB: Did an ambulance arrive while you
17 were there?

18 OFFICER BECERRA: Oh, yes.

19 MR. JACOB: Okay. And then McDonald was
20 attended to?

21 OFFICER BECERRA: Oh, yes.

22 MR. JACOB: Do you recall how much time
23 passed between the shooting and when the
24 ambulance arrived?

1 OFFICER BECERRA: Oh, it was very quick the
2 ambulance arrived.

3 MR. JACOB: Do you know was he pronounced
4 dead at the scene?

5 OFFICER BECERRA: I don't know.

6 MR. JACOB: Okay. That's all.

7 BY MS. ANSARI:

8 **Q. Officer, was he still moving after all**
9 **the shots had been fired?**

10 A. I didn't -- I didn't get that close.

11 MS. ANSARI: Okay. So we don't have any
12 other questions. Do you have anything or do you
13 want to -- that you want to add for the record
14 or say before we conclude?

15 OFFICER BECERRA: No. No.

16 MS. ANSARI: Okay. Then it is 12:25 p.m. and
17 we will go off the record.

18 (End of interview.)

19

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24

1 | STATE OF ILLINOIS)
2 | COUNTY OF LAKE) SS:

I, Cheryl L. Sandeck, a Notary Public within and for the County of Lake and State of Illinois, and a Certified Shorthand Reporter of the State of Illinois, do hereby certify that I reported in shorthand the proceedings had at the taking of said interview and that the foregoing is a true, complete, and correct transcript of my shorthand notes so taken as aforesaid, and contains all the proceedings given at said interview.

Cheszel Sandecki

Notary Public, Lake County, Illinois
C.S.R. License No. 084-03710

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CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, Arturo Becerra, understand that I am being interviewed by
Sarah Ansari and Matthew Jacob from the City of
Chicago Office of Inspector General.

DATE 9/23 TIME _____ LOCATION Amicus Court Reporter, 300 W. Adams.

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.

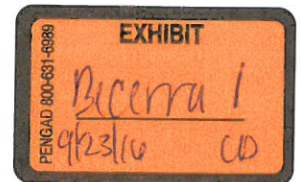
I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.

[Signature]
Employee Signature



Witness: Sarah Ansari Witness: Matthew Jacob

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: _____

NOTIFICATION OF INTERVIEW TO CPD MEMBER			DATE
CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL			September 14, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
Arturo Becerra	Police Officer	15790	008

YOUR APPEARANCE IS REQUIRED

AT <input checked="" type="checkbox"/>	Amicus Court Reporters 300 West Adams, Ste. 800 Chicago, IL 60606	ON	DATE September 23, 2016	TIME 4:00 PM
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AS ☒ ACCUSED ☐ WITNESS ☐ COMPLAINANT

FOR ☒ A STATEMENT

CONCERNING

False statements and material omissions made in connection with the October 20, 2014 shooting of Laquan McDonald; the operation of the Chicago Police Department's in-car video system.

YOU ARE TO REPORT TO:

LEAD INVESTIGATOR	TITLE	PHONE NO.	EMAIL
Raul Valdez	Investigator III	773-478-5228	rvaldez@chicagoinspectorgeneral.org

NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.

ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME	TITLE	NAME	TITLE
Peter Neumer	Senior Assistant Inspector General	N/A	N/A

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

ACKNOWLEDGEMENT

Please contact Investigator Valdez at (773) 478-5228 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE

[Signature]

DATE

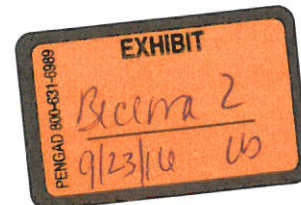
14 SEP 16

PRINTED NAME

ARTURO BECERRA

TIME

1650 HRS



TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR
CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:

TITLE, RANK, & UNIT

DATE

TIME

NOTIFICATION MADE BY:

TITLE, RANK, & UNIT

DATE

TIME

NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
Arturo Becerra	Police Officer	15790	008 - 822

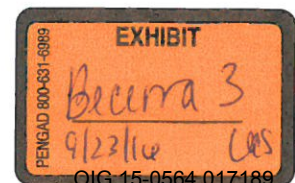
City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT(S)

4. John J. Escalante, Interim Superintendent of Chicago Police Department (CPD), sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statement on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATION(S)

1. On or about October 20, 2014, you provided a false narrative to Detective David March of the Chicago Police Department (CPD) concerning the McDonald Shooting.
2. On or about October 20, 2014, you made a false statement during an interview with CPD Detective David March when, with respect to the McDonald shooting, you stated that you did not see who fired shots.
3. On or about October 20, 2014, you made a material omission during an interview with CPD David March when, with respect to the McDonald shooting, you failed to state that you saw McDonald being shot while he was on the ground.
4. On or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 8765 was working properly at the beginning of your tour of duty.
5. On or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 8765 was inoperable or damaged.
6. On or about October 20, 2014, you failed to audibly record events with CPD vehicle 8765's in-car video system during your tour of duty.



ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature AB

Date 14 SEP 16

Printed Name ARTURO BECERRA

Time 1655 HRS

WITNESSES

JP 158P _____



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL
740 North Sedgwick Street
Suite 200
Chicago, Illinois 60654

RECEIPT FORM

OIG FILE NO. 15-0564

ON 14 SEP 16 AT 1650
DATE TIME

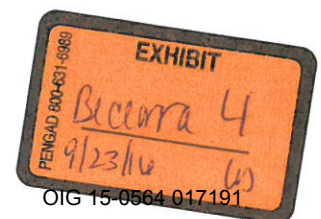
SGT J. FIEDLER #1985 SERGEANT
NAME TITLE

☐ SEIZED FROM ☐ RECEIVED FROM ☐ RETURNED TO ☒ RELEASED TO

NAME	TITLE	DEPT.
Arturo Becerra	Police Officer	Chicago Police Department

THE FOLLOWING ITEM(S):

1. A City of Chicago Office of Inspector General DVD containing the following materials:
 - a copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 20, 2014 interview of Arturo Becerra;
 - Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Arturo Becerra;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 845R;
 - The October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting.



ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the above-listed item(s).

Signature AB

Date 14 SEP 16

Printed Name ARTURO Becerra

Time 1655 HRS

WITNESSES

Z 1889 _____

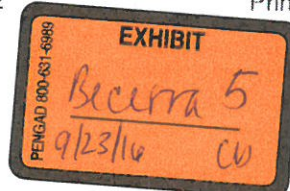
3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

Case id : 9825613
Sup ID : 10992787 CASR301

Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
MARCH, David	20563	WOJCIK, Anthony	481	MARCH, David	20563
Date Submitted	Date Approved		Assignment Type		
15-MAR-2015 18:26	16-MAR-2015 00:03		FIELD		

HX475653

HX475653



[REDACTED]

[REDACTED]

[REDACTED]

BACERRA, Arturo -----

stated he was a Chicago Police Officer assigned to the 008th District. He was on duty, in uniform, working on Beat 822. BACERRA was working with Police Officer Leticia VELEZ. The two officers were assigned to a marked vehicle. BACERRA was driving the vehicle and VELEZ was the passenger.

Officer BACERRA and his partner responded to the request for assistance made by Beat 815R, regarding a subject who was armed with a knife. BACERRA was driving northbound on Pulaski Road from 47th Street. As he approached the scene of this incident, at 4112 South Pulaski, he observed a black male subject, now known as Laquan MCDONALD, in the middle of the street, flailing his arms. As he got closer, BACERRA observed MCDONALD to be holding a knife in his right hand. BACERRA drove past MCDONALD, with MCDONALD on the left side of the police vehicle, as Beat 845R drove past BACERRA, on the right side of his vehicle, travelling southbound. As BACERRA began to make a U-turn, he heard multiple gunshots. He then saw MCDONALD lying on the ground. BACERRA did not see who fired the shots.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT
DAY MONTH YEAR

DATE OF THIS REPORT
DAY MONTH YEAR WATCH

OFFENSE CLASSIFICATION--LAST PREVIOUS REPORT

VICTIM'S NAME AS SHOWN ON CASE REPORT

BEAT/UNIT ASSIGNED

0552

VAN DYKE

5121

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

A BACERRA

RESPONDED TO REQUEST A2 ASSIST, BNR
SUBJECT ARMED W/KNIFE

DRIVING N/A PULKKE, FROM 47

AS HE APPROACHED SCENE, SAW O IN MIDDLE OF ST,
FLAILING ARMS

AS A B GOT CLOSER, SAW KNIFE IN R HAND

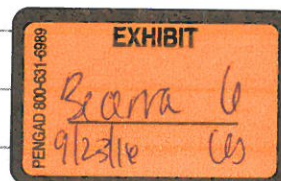
DROVE PAST O O ON L SIDE

B4OR DROVE PAST ON R SIDE, S/D

MADE U-TURN, HEARD MULTIPLE SHOTS

THEN SAW O LYING ON GROUND

DO NOT SEE WHO FIRED



R.D. NO.

14X475653

REPORTING OFFICER'S SIGNATURE--STAR NO.

RECEIVED BY: SUPERVISOR'S SIGNATURE--STAR NO.

DAY--MO.--YR. TIME

**IN-CAR VIDEO SYSTEMS**

ISSUE DATE:	23 February 2012	EFFECTIVE DATE:	23 February 2012
RESCINDS:	Version dated 20 April 2011; S10-10		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive:

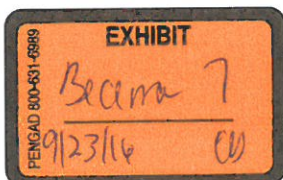
- A. implements the use of Department in-car video systems.
- B. establishes the policies and procedures for the use, maintenance, and repair of in-car video systems.
- C. establishes the roles and responsibilities of Department members affected by the introduction of in-car video systems for the video and audio recording of incidents.
- D. establishes the requirements for viewing, retaining, and duplicating digitally recorded incidents.
- E. continues the use of the Digitally Recorded Data Viewing/Hold/ Duplication Request (CPD-65.224).
- F. identifies the Records Division as the Department repository and viewing location of digitally recorded data created by the in-car video systems.

II. POLICY

The Department is committed to protecting the safety and welfare of its members and the public. The in-car video systems can provide members with an invaluable instrument to enhance criminal prosecution by providing powerful evidence of criminal activity, limit civil liabilities, and objectively document officer conduct during individual interactions. Members assigned to a vehicle equipped with an in-car video system will use it pursuant to this directive.

III. GENERAL INFORMATION

- A. There is no expectation of privacy for Department members related to incidents recorded by in-car video systems. Supervisors, members of Bureau of Internal Affairs, and the Independent Police Review Authority (IPRA) investigators may request to review the digitally recorded data from a vehicle equipped with an in-car video system. Any digitally recorded data created by the in-car video system may be used without a Department member's permission for any official Departmental purpose.
- B. The in-car video system will **automatically engage audio and video recording** when the vehicle's emergency-roof lights are activated. However, Department members may manually activate the in-car video system without the activation of the emergency equipment. At the conclusion of the incident, Department members must manually disengage all recording processes, regardless of what method activated the in-car video system.
- C. The Records Division will be the custodians of the digitally recorded data and will be responsible for the retention, duplication, and viewing of the in-car video systems. The Director, Records Division, will establish retention, viewing, and duplication procedures that provide for inventory control, the security of the digitally recorded data, and authorized duplications.
- D. All digitally recorded data created by the in-car video systems will be retained by the Records Division for a minimum of 90 days. Digitally recorded data that is marked and held as having evidentiary or training value will be retained as prescribed by law and established Department policy.
- E. In general, minor infractions and minor deviations from Department policy observed through the review of digitally recorded data will not be subject to the disciplinary process and will be treated as a training opportunity.



IV. RECORDING GUIDELINES

- A. Department members will use only Department-issued video and audio recording equipment.
- B. Department members will conform to all laws and Department policies concerning the use of the in-car video system for the video and audio recording of incidents.
 - 1. Department members are lawfully permitted to video record individuals without their consent if they are on the public way or in public view.
 - 2. Department members who are in uniform and have identified their office are lawfully permitted to simultaneously audibly and visually record individuals without their consent whenever:
 - a. the member is conducting an enforcement stop, **or**
 - b. the patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

NOTE: Any reports completed for an audibly recorded incident, including Traffic Stop Statistical Study - Driver Information Cards (CPD-21.103), Traffic Stop Statistical Study Stickers (CPD-15.516), and Personal Service Citations, must include the initial violation or investigatory need that led to the stop.

NOTE: Department members may audibly record an enforcement stop regardless of the subsequent enforcement action taken.

- 3. Department members may audibly and visually record an individual with the consent of the individual.
- C. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to simultaneously audibly and visually record the entire incident for all enforcement stops.
- D. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to visually record the entire incident for all:
 - 1. arrests and transports.
 - 2. nonpursuit emergency vehicle operations.
 - 3. any situation that the member, through training and experience, believes to serve a proper police purpose.
- E. During the recording of an incident, Department members will not disengage the in-car video system until the entire incident has been recorded.

NOTE: Department members will be required to justify any disengagement of the in-car video system prior to the entire incident being recorded.

- F. If recorded, felony and misdemeanor arrests, motor vehicle pursuits, traffic crashes resulting in property damage, personal injury, or a fatality, DUI incidents, and failure to yield to an emergency vehicle will be automatically stored by the in-car video system indefinitely when the correct event is selected from the postevent pop-up menu. All other incidents will be automatically stored for ninety days.
- G. If digitally recorded data will be needed in judicial proceedings beyond ninety days, members will place an extended hold on that digitally recorded data as described in Item VIII of this directive, including but not limited to the following circumstances:
 - 1. Traffic stops other than DUI,

2. Enforcement stops,
 3. Other traffic crash investigations, and
 4. Stops for citizen assistance.
- H. When a complaint against a Department member is received that involves a digitally recorded incident, the investigating member will request an extended hold on the data.
- I. Assigned supervisors will request an extended hold on all digitally recorded motor vehicle pursuits and traffic crashes involving Department vehicles.

V. DEPLOYMENT OF THE IN-CAR VIDEO SYSTEMS

- A. Commanding officers of units with vehicles equipped with in-car video systems will:
1. ensure that vehicles equipped with in-car video systems are evenly distributed for use by all watches.
- NOTE:** Commanding officers will ensure the units assigned to traffic duties in district law enforcement use vehicles equipped with in-car video systems.
2. whenever feasible, ensure vehicles equipped with the in-car video systems are deployed every tour of duty and service is requested for inoperable vehicles equipped with in-car video systems.
- B. The station supervisors will:
1. deploy every vehicle equipped with a functional in-car video system during the tour of duty.
 2. ensure digitally recorded data is downloaded from the in-car video systems.
 3. whenever operationally feasible, review video of any arrest recorded by the in-car video system as part of the approval of probable cause.

VI. OPERATIONAL PROCEDURES

- A. Department members assigned to a Department vehicle equipped with an in-car video system will:
1. at the beginning of a tour of duty:
 - a. visually inspect the in-car video system equipment for damage.
 - b. obtain the remote transmitter/audio recorder and ensure it is securely attached to the member's person.
 - c. follow the start-up procedures for the in-car video system as trained and ensure the system is working properly.

NOTE: Members will immediately notify a supervisor if, at any time, the in-car video system is inoperable, damaged, the equipped vehicle becomes inoperable, or the remote transmitter/audio recorder is missing.
 2. during the tour of duty:
 - a. audibly and visually record events in accordance with this directive.
 - b. annotate all reports, including Contact Information Cards (CPD-21.101), prepared for an event which has been recorded by listing "**Video Recorded Incident**" at the end of the narrative portion.

- c. after an incident has been recorded, use the post-event pop-up menu to select the most serious recorded occurrence as the event type and enter other event information.

NOTE: If the member did not use the postevent pop-up menu to mark the incident as being held for evidence, the member will request an extended hold on digitally recorded data in accordance with Item VIII of this directive.

- d. if the in-car video system indicates that the memory required to record incidents is becoming low or if the member observes that less than 30 minutes of recording time is available, download the digitally recorded data.
3. at the conclusion of a tour of duty:
- a. verify the in-car video system is working properly.
 - b. initiate the downloading of the digitally recorded data.

NOTE: Members will immediately notify a supervisor if unable to complete the downloading of digitally recorded data due to technical problems.

- c. shut down the in-car video system and logoff the system.
- d. return the remote transmitter/audio recorder to the designated area for charging.

B. The sergeant assigned to supervise Department members using Department vehicles equipped with an in-car video system will:

- 1. monitor subordinates to ensure the in-car video system is used and that digitally recorded data is properly downloaded.
- 2. ensure that the Help Desk is contacted and a ticket number is obtained whenever any member is unable to use the in-car video system or download digitally recorded data due to technical problems.
- 3. initiate an investigation when notified of a missing or lost remote transmitter/audio recorder.
- 4. document on the Supervisor's Management Log (CPD-11.455):
 - a. whether each vehicle has an in-car video system and if it is functioning.
 - b. all responses related to malfunctions of vehicles equipped with in-car video systems.
 - c. digitally recorded data downloaded to land-based terminals, noting any units unable to complete the download and the Help Desk ticket number obtained.
 - d. any request submitted for an extended hold of digitally recorded data.
 - e. any instances of additional training, corrective measures, or disciplinary actions.
- 5. document on the Traffic Pursuit Report (CPD-22.958) or traffic crash report that the incident has been digitally recorded.
- 6. obtain a complaint register number and order an evidence technician to process the equipment if any damage or malfunction is suspected to have been caused by deliberate (tampering) means.

C. Station supervisors will:

- 1. designate a sergeant responsible for monitoring the downloading of digitally recorded data for the watch.

2. record the total number of vehicles equipped with in-car video systems deployed during the watch and the total number of these vehicle that do not have a functioning in-car video system, if any, on the Watch Incident Log (CPD-21.916).
 3. ensure the status of vehicles equipped with in-car video systems is recorded on the Personal Equipment Log (CPD-21.919) by recording the word "VIDEO" in the "Camera/Tripod No." column.
 4. if an in-car video system malfunctions or the system or vehicle becomes inoperable **during** the tour, record the vehicle and beat numbers and the words "VIDEO DOWN" on the Watch Incident Log.
- D. When digitally recorded data is determined to have evidentiary or training value, or a complaint against a Department member is received that involves a digitally recorded incident, the supervisor reviewing the recorded data will request an extended hold on the data.

VII. DOWNLOADING DIGITALLY RECORDED DATA FROM THE IN-CAR VIDEO SYSTEM

- A. When downloading digitally recorded data from the mobile unit of an in-car video system to a land-based terminal, Department members will:
1. download the data in accordance with the manufacturer's guidelines and training.
 2. ensure the download of data was complete and return the vehicle back into service.
- B. With the approval of the station supervisor in the district of occurrence, special requests for the immediate viewing of digitally recorded data from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA will be processed for major incidents where an in-car camera system may be reasonably expected to have captured a component of the incident.
1. Major incidents include, but are not limited to:
 - a. police-involved shootings,
 - b. serious injury or death to a Department member,
 - c. serious injury or death to a member of the public.
 2. Special requests for viewing digitally recorded data will be made to the station supervisor in the district of occurrence, who will:
 - a. evaluate the request;
 - b. determine if the need for retrieval outweighs the operational impact of the vehicle being taken out of service; and
 - c. notify Crime Prevention and Information Center (CPIC) of the decision.
 3. Special requests will be in the form of one of the following types:
 - a. Special wireless upload, or
 - b. Emergency on-site retrieval.
- C. Special Wireless Uploads
1. The station supervisor in the district of occurrence will take the vehicle out of service and secure it at the unit of assignment or other appropriate location.
 2. The supervisor will:
 - a. verify that the vehicle operator or partner is signed on to the in-car camera system;
 - b. instruct the member to manually flag the entire tour of duty's available video for upload;

- c. instruct the member to initiate a manual upload of this video with the vehicle in range of the facility's wireless hotspot; and

NOTE: If video cannot be uploaded via wireless hotspot, a cradle upload will be used.

- d. ensure that the vehicle remains out of service until the upload is complete.
3. Once complete, the station supervisor will allow personnel from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA, as appropriate, to review the uploaded files.

NOTE: For officer-involved shootings when an On-Call Incident Commander (OCIC) will respond, an emergency on-site retrieval will be immediately requested through CPIC.

4. The station supervisor may identify an alternate vehicle for the member to use while the identified vehicle completes its video upload, as appropriate.
5. If an attempt to wirelessly upload is unsuccessful, members may contact the City of Chicago Help Desk at 4-DATA for assistance.
6. If a wireless upload fails, an emergency on-site retrieval will be conducted.

D. Emergency On-Site Retrieval

1. The station supervisor in the district of occurrence will notify CPIC of an approved emergency on-site retrieval.

NOTE: An emergency on-site retrieval will only be conducted when an OCIC is responding or a wireless upload fails and contacting the City of Chicago Help Desk at 4-DATA has not resolved the problem.

2. CPIC will notify the Public Sector Information Technology (PSIT) Group personnel of a manual video retrieval from the "fail-safe" internal drive request.
3. The station supervisor in the district of occurrence will take the identified vehicle out of service during the retrieval process.
4. If the identified vehicle is still in use when the designated supervisor arrives at the unit facility or other appropriate location, the supervisor will report to the vehicle and instruct any member logged onto the system to log off the system.
5. The vehicle will remain out of service until PSIT responds and conducts the video retrieval.

NOTE: On-site review of video will be limited to the series of events and time frame giving rise to the alleged incident.

E. Viewing and Obtaining Copies of In-Car Video Recordings

1. Once retrieval has been completed for the requested time frame, the video may be viewed by personnel from the requesting party at the location of retrieval.
2. Requests for copies of in-car video recordings will be made by completing the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" (CPD-65.224) and forwarding it to the Records Division.

F. The Managing Deputy Director, PSIT, will:

1. establish procedures to ensure the security of the digitally recorded data from downloading to storage by the Records Division.

2. develop a system to monitor the memory capacity of the land-based terminals and provide for the security of the downloaded data.
- G. If members are unable to download digitally recorded data from the mobile unit of the in-car video system to the land-based terminals due to system inoperability:
1. the station supervisor will notify the Help Desk and follow any further instructions given by the responding member of PSIT.
 2. A designated member of PSIT will respond to the requesting unit and:
 - a. ensure the security of the digitally recorded data.
 - b. perform a manual download of the digitally recorded data.
 - c. record the manual download on the Help Desk ticket.

VIII. REQUESTING A HOLD FOR DIGITALLY RECORDED DATA

- A. Department members will place an extended hold on digitally recorded data they recorded using the postevent pop-up menu on the in-car video system.
- B. **Within the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will request that a supervisor place the extended hold by using the land-based terminal at the district/unit station.
- C. **After the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will:
 1. complete the Digitally Recorded Data Viewing/Hold /Duplication Request form.
 2. indicate on the form the necessary actions by the Records Division.
 3. explain in the narrative portion of the form the reason for the request.
 4. submit the form to the station supervisor/designated unit supervisor for approval.
 5. submit the completed and approved form to the Records Division for processing and retention in accordance with existing records-retention requirements.
- D. Department members who wish to remove an extended hold on digitally recorded data will follow the procedures outlined in Item VIII-C of this directive indicating the circumstances requiring the removal of the extended hold.
- E. The Director, Records Division, will:
 1. develop a cataloging system for storage and retrieval of recordings and procedures for ensuring archives are maintained consistent with Department directives (including the Forms Retention Schedule), applicable state and federal laws, and compliance with all court orders.
 2. be responsible for retaining digitally recorded data for which an extended hold was requested as prescribed by law and established Department policy.

IX. VIEWING, RETAINING, AND DUPLICATING DIGITALLY RECORDED DATA

- A. All digitally recorded data created by the in-car video systems are the property of the Chicago Police Department. **Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization by the Superintendent or an appointed designee.**
 1. Any non-Departmental requests for duplication of digitally recorded data must be approved by the Superintendent or an appointed designee.

2. All approved requests will be forwarded in an expeditious manner to the Director, Records Division, along with:
 - a. a completed and approved Digitally Recorded Data Viewing/Hold/Duplication Request form, and
 - b. written instructions, including dissemination information, for compliance with the request.
- B. Department members assigned to vehicles equipped with in-car video systems and their supervisors are encouraged to use the review/ playback functions of the system for the purposes of:
 1. developing familiarity with the functions, capabilities, and limitations of the in-car video systems to create consistent recording techniques which capture relevant actions.
 2. searching for and identifying recorded events having evidentiary or training value.
 3. reviewing approach and officer safety issues.
 4. ensuring consistency with written reports.
- C. Reviewing Digitally Recorded Data

Investigating members may view digitally recorded data in the performance of official police business. When it is necessary to view digitally recorded data stored by the Records Division, the following procedures will apply:

 1. The requesting Department member will:
 - a. prepare a Digitally Recorded Data Viewing / Hold / Duplication Request form, including approval of the requestor's station supervisor/designated unit supervisor.
 - b. schedule an appointment to view the recorded incident with a Records Division supervisor (or an appointed designee) to ensure the availability of a technician and playback equipment.
 - c. present the properly completed and approved form to a Records Division supervisor at the scheduled time.
 2. A Records Division supervisor will:
 - a. process all approved recorded incident review requests.
 - b. assign a technician to assist the requestor in viewing the recorded incident, as required.
- D. Obtaining a Video Recording
 1. A duplicate copy of selected information may be made to retain that information:
 - a. when it is not required that the master video be retained for an indefinite period (e.g., investigation of a routine administrative incident when the punishment is of a summary or minor nature).
 - b. when the requesting member determines that a duplicate video of a master video will be sufficient.
 2. A duplicate video recording may be obtained by:
 - a. completing a Digitally Recorded Data Viewing / Hold / Duplication Request form and submitting the completed form to the station supervisor/designated unit supervisor for approval.
 - b. notifying the Records Division that a duplicate video recording is required and submit the approved Digitally Recorded Data Viewing/Hold/ Duplication Request form to the Director, Records Division.

- c. indicating to the Records Division which information from the digitally recorded data is to be included on the duplicate video recording.
3. When the duplicate video recording has served the purpose for which it was made, the requesting member will ensure that it is immediately returned to the Records Division.

NOTE: A member requesting a duplicate video recording will not make additional copies of it or permit unauthorized persons to duplicate or view it under any circumstances.

E. Special Situations

When the Records Division receives a request for an extended hold of digitally recorded data that indicates it pertains to:

1. **a motor vehicle pursuit or traffic crash involving a Department vehicle**, the Director, Records Division, will ensure a duplicate video is forwarded to the Traffic Review Board.
2. **an incident having training value**, the Director, Records Division, will ensure a duplicate video is forwarded to the Deputy Chief, Education and Training Division.

(Items indicated by italics/double underline were revised or added.)

Authenticated by: RMJ

Garry F. McCarthy
Superintendent of Police

11-055 / 12-003 EGV/RJN

SUPPLEMENTARY REPORT

CHICAGO POLICE

ASSAULT-AGG PD: KNIFE/CUT INSTR 0552 4000 S KARLOV
 P.D. GAFFNEY #19958 / P.D. VAN DYKE #12865
 3420 W 63RD ST STREET 304
 20 OCT 14 2157
 815
 921D

PROPERTY IN NARRATIVE TAKEN		PROPERTY IN NARRATIVE RECOVERED		PROPERTY IN NARRATIVE		PROPERTY IN NARRATIVE		PROPERTY IN NARRATIVE		PROPERTY IN NARRATIVE	
HOUSEHOLD GOODS	JEWELRY	VEHICLES	TOOL/WEAPON	OFFICER EQUIPMENT	ATV/RADIO/BIKE	PROPERTY IN NARRATIVE	PROPERTY IN NARRATIVE	PROPERTY IN NARRATIVE	PROPERTY IN NARRATIVE	PROPERTY IN NARRATIVE	PROPERTY IN NARRATIVE
1	1	1	1	1	1	1	1	1	1	1	1

SEE ORIGINAL CASE INCIDENT REPORT

OFF	IR NO. YD NO	OFFENDER REF. CODE	CR NO	IR NO. YD NO	OFFENDER REF. CODE	CR NO
1	1	1	1	1	1	1

IN SUMMARY: R/S CONTINUED BY CPIC AT 2230;
 20 OCT 14 FOR IN CAR CAMBORA (ICC) VIDEO RETRIEVAL ON SEWER 4100 S.
 PULASKI RELATED TO THIS ABOVE LISTED INCIDENT. REQUEST WAS FROM
 ARMY CENTRAL DOBBERIES DIVISION SGT D GALLAGHER UPON
 ARRIVAL BT 813R VEH 8779; BT 815R VEH 8489; BT 822 VEH 8765;
 BT 845R VEH 6412; & BT 841R VEH 8948 WERE SUBJECTS OF ICC
 VIDEO CHECK/RETRIEVAL CHECKS OF THOSE VEHICLES REVEALED THE
 LISTED FINDINGS:

BT 813R VEH 8779	VIDEO RECOVERED [REDACTED] @ 20141020 215250
BT 815R VEH 8489	OPERATIONAL BUT DUE TO DISCREPANCY NO VIDEO RECOVERED
BT 822 VEH 8765	NOT UNLOCKED - OFFICER REPORTED POWER ISSUE
BT 845R VEH 6412	VIDEO RECOVERED [REDACTED] @ 20141020 215250
BT 841R VEH 8948	NOT UNLOCKED - OFFICER REPORTED APPLICATION ERROR

Recovered Video Manually Up Load and Retrieved 002/ACOD ICC System

REPORTING OFFICER (NAME)	STAR NO	DATE THIS REPORT SUBMITTED	TIME	REPORTING OFFICER (PRINT NAME)	SIGNATURE	DATE APPROVED (DAY-MO-YR)	TIME
SGT L BUCENA 1748		21 OCT 14					

EXHIBIT
 Bucena 8
 9/23/16
 475653
 15-0564 017205

In Car Camera Video Retrieval Work Sheet

Date & Time of Notification: 20 Oct 14 2230 HRS Related HDT# DP3 CMD

Requestor: Det C1764 MCNAUGHTON Tech: Bucvar






Location of response: 4100 S PULASKI

Type of Incident requiring retrieval: POLICE INVOLVED SHOOTING - FATAL: OFFENDER

Location of Incident: 4100 S PULASKI Date & Time of Incident 20 Oct 14 2147

Related RD#, Event#, and/or CR Log#: 17K475653

Vehicles to be checked:

813R	Veh# <u>877A</u>	POs PC#:		Results: <u>NEAR CLOSURE</u>	<u>215250</u>	
815R	Veh# <u>8489</u>	POs PC#:		Results: <u>@20141020 214218</u>	<u>214218</u>	MHAD 30000216
822	Veh# <u>8765</u>	POs PC#:		Results: <u>@20141020 215250</u>	<u>215250</u>	
845R	Veh# <u>642</u>	POs PC#:		Results: <u>@20141020 214543</u>	<u>214543</u>	out of frame MHAD 00003227
841R	Veh# <u>8948</u>	POs PC#:		Results: <u>1405 NO OPEN 1405</u>		

List additional Vehicle to be checked and results on back of this form

Note: Any vehicles identified to be checked, will be evaluated for operational readiness as well. Any deficiencies of the ICC System will be noted i.e. MIC(s) are not sync'd; rear camera not working; cannot upload; etc. Actions to rectify the issue should be taken to render the system FULLY FUNCTIONAL!

Notes of work or activities performed:

877A: Mics in Glove Box Portals Present Upside Down
→ Fully OK

8489: PROCESSING VIDEOS: EXTREMELY LARGE VIDEO FILES

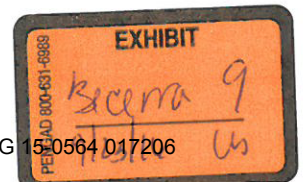
8765: MICS IN CHARGING CHARGE; NOT SYNC'D TO SYSTEM

642: No Mics; MIC CHARGE DISCONNECTED

8948

THIS INFORMATION DISCLOSED TO DETROITERS; DC MCNAUGHTON; & ODS

Tech: DIST SUPERVISORS ON SCENE
DURING VIEWING



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Becvar, Lance J.

Sent: Friday, July 17, 2015 12:33 PM

To: Lewin, Jonathan H.

Cc: Dziak, Steven E.

Hello Dep Lewin,

Per your request the findings related to the Aggravated Assault / Police involved Shooting on 20 Oct 2014 Listed under RD# HY 475653:

Findings from that night-

Veh 8779 Video Recovered Titled [REDACTED]@20141020215250, No MICs because they were in the Glove Compartment with the batteries inserted upside down - Disabling them.

Veh 8489 System not engaged because a very long video (like hours long) was made previous to this event/incident and the system was processing that video and unable to start another video.

Veh 8765 System not engaged, officer related no power. There was no open HDT called in on vehicle. MICs not sync'd to system even though they were in the charging cradles.

Veh 6412 Video Recovered Titled [REDACTED]@20141020215250 view out of focus. Focusing problem found to be related to a loose cable connection for the camera. No MICs in vehicle and the charging cradles disconnected from power.

Veh 8949 System not engaged, officer reported that there was an application error - Mobile Recorder Start-Up corrupted. No Help Desk Ticket Open for this vehicle.

Sgt Lance Becvar

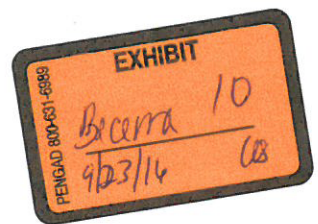
MobileTech Supervisor

Information Services Division

Chicago Police Department

Cell# 312- [REDACTED]

E-mail: lance.becvar@chicagopolice.org



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